

1 **Approved 05.09.2022**

2 **Vermont Nuclear Decommissioning Citizens Advisory Panel (VT NDCAP)**

3 **Monday, February 28, 2022**

4 **Zoom Webcast**

5 **Meeting Minutes**

6
7 VT NDCAP Members Present (via webcast):

- 8 • **Emily Davis**, *Citizen Appointee of former Senate President Pro Tempore Tim Ashe, Panel*
9 *Chair*
- 10 • **Jim Porter**, *Director of Public Advocacy, Public Service Department, designee for Public*
11 *Service Commissioner June Tierney for this meeting*
- 12 • **Lissa Weinmann** (*Brattleboro*), *Citizen Appointee of Senate President Pro Tempore Becca*
13 *Balint, VT NDCAP Federal Nuclear Waste Policy Committee Chair*
- 14 • **Madeline Arms**, *First Representative for the Town of Vernon*
- 15 • **Todd Amato**, *Second Representative for the Town of Vernon*
- 16 • **Chris Campany**, *Executive Director of the Windham Regional Commission (WRC)*
- 17 • **VT State Representative Sara Coffey** (*Guilford*), *Citizen Appointee of former Speaker of*
18 *the House Mitzi Johnson*
- 19 • **Corey Daniels**, *Senior ISFSI Manager, NorthStar Vermont Yankee*
- 20 • **Brett Long**, *Deputy Commissioner of Economic Development, Designee for the Secretary*
21 *of Commerce and Community Development*
- 22 • **David Pearson**, *Vice-President and Regional Manager, NorthStar Group Services*
- 23 • **Marvin Resnikoff**, *Citizen Appointee of former Speaker of the House Mitzi Johnson*
24 *(joined meeting subsequent to Panelist introductions)*

25 The following NDCAP members were absent from the meeting:

- 26 • **Josh Unruh**, *Citizen Appointee of Governor Phil Scott, Panel Vice-Chair*
- 27 • **Trish Coppolino**, *Department of Environmental Conservation (DEC) Waste Management*
28 *and Prevention Division Environmental Program Manager, Designee for the Secretary of*
29 *Natural Resources*
- 30 • **Dr. Bill Irwin**, *Radiological & Toxicological Sciences Program Chief, Designee for the*
31 *Secretary of Human Services*
- 32 • **Bob Leach**, *Citizen Appointee of Governor Phil Scott*
- 33 • **VT State Senator Mark MacDonald**, *Member of the Senate Committee on Natural*
34 *Resources and Energy*
- 35 • **VT State Representative Laura Sibilio**, *Member of the House Committee on Energy &*
36 *Technology*

37
38 There are currently two vacancies on the Panel (the two optional Massachusetts and New Hampshire
39 representatives).

With 10 Panelists initially connected to the Zoom webcast, a quorum was present (9 Panelists required). Approximately 20 members of the public (not including 4 Panel Staff members, 4 DOE speakers and 1 additional guest speaker) connected to the webcast.

The meeting was called to order at 6:02 PM; a recording of the meeting webcast is available online at <http://publicservice.vermont.gov/electric/ndcap> and at <https://www.brattleborotv.org/vt-nuclear-decommissioning-citizens-advisory-panel/vt-ndcap-22822-mtg>.

Welcome, Opening Remarks & Overview of Meeting Agenda:

Panel Chair Emily Davis welcomed everyone for the meeting. She noted that this was a Special Meeting for the purpose of discussing an Advisory Opinion regarding the US Department of Energy's (DOE's) Request for Information (RFI) on Consent-Based Siting of interim spent nuclear fuel storage facilities. The Advisory Opinion draft is available at:

<https://publicservice.vermont.gov/content/vt-ndcap-draft-advisory-opinion-usdoe-consent-based-siting-request-information>

Details of DOE's current Consent-Based Siting effort are available at:

<https://www.energy.gov/ne/consent-based-siting>

Amendments to the Meeting Agenda: None were suggested or made. A copy of the meeting agenda is available at <https://publicservice.vermont.gov/content/updated-meeting-agenda-2-28-2022>.

Introduction of Panelists: The Panelists present briefly introduced themselves. Todd Amato, the newly appointed Second Town of Vernon Representative, was welcomed to the Panel.

US Department of Energy (DOE) Presentation on Consent-Based Siting:

DOE's presentation begins at 0:08:50 on the meeting video.

Dr. Kim Petry, Acting Deputy Assistant Secretary for Spent Fuel and Waste Disposition at the US Department of Energy, Office of Nuclear Energy, provided a brief outline of DOE's current Consent-Based Siting effort. The presentation slides are available at:

<https://publicservice.vermont.gov/electric/ndcap> in the "Meeting of February 28, 2022" section.

Joining Dr. Petry to answer questions following this presentation were:

- Dr. Erica Bickford, (Nuclear Fuel) Transportation Program Manager, US DOE Office of Nuclear Energy
- Ms. Natalia Saraeva, Senior Advisor on Consent-Based Siting, US DOE Office of Nuclear Energy
- Mr. Rob Howard, National Technical Director for Integrated Waste Management Program, Pacific Northwest National Laboratory (part of US DOE)

DOE is working on an integrated nuclear waste storage plan that includes:

- Interim Spent Nuclear Fuel Storage
- Permanent Spent Nuclear Fuel Storage
- Spent Nuclear Fuel Transportation

DOE currently has funding to pursue Interim Storage. The purpose of the Consent-Based Siting effort is to build trust between DOE and potential facility host communities. DOE will regard the Consent-Based Siting effort to be successful if communities express interest in hosting a facility. The process will still be considered successful if a community expresses interest, learns more about hosting a facility, but later withdraws from the process. Currently, DOE is not looking for potential facility sites or volunteering communities. The current step (the Consent-Based Siting Process Questionnaire available at <https://www.energy.gov/ne/consent-based-siting>) is development of the Process itself. Responses provided will drive DOE's next steps, with the intent of providing a just process.

Questions and Comments on DOE Presentation

Panelist and Public comments begin at 0:18:15 on the meeting video.

Panelist Chris Campany noted that WRC had resubmitted its comments from DOE's 2015 Consent-Based Siting Effort. He believes that a forum must be established for host and "sending" (i.e., waste origin) communities will be necessary for the disposal process to be successful. The process itself must include performance metrics to assure that it is working as envisioned.

In response, Dr. Petry reiterated that DOE wants the siting process to be inclusive. DOE does not want to dictate terms for the process.

Panelist Lissa Weinmann requested clarification on the funding opportunities that have been noted in DOE discussions about Consent-Based Siting. She added that DOE should consider comments received for the 2015 effort. In response, Dr. Petry noted that the funding is expected to allow communities to learn more about hosting a waste disposal facility. Additionally, Dr. Bickford noted that DOE considers the current effort to be a continuation the previous 2015-2016 effort. Consent-Based Siting did not end with DOE's reporting issued in January 2017. The process was paused for several years by the previous Administration.

Panelist Marvin Resnikoff asked whether additional legislation was needed to move forward with spent fuel disposal efforts. Dr. Petry indicated that some activities can move forward. The actual construction of a storage or permanent disposal facility cannot.

Dr. Thomas Webler (guest speaker) asked what DOE hoped to produce from the current effort. Dr. Petry replied that a fair, inclusive process was the goal, along with moving the storage plan forward. Product-wise, the intent is to revise the process recommended by DOE's January 2017 and allow the community engagement funding to be released. Natalia Saraeva added that results of the effort will depend on the feedback received from the Request for Information. It is hoped that the resulting process will be adaptive.

1 Deb Katz (Citizens Awareness Network) voiced concern that the process is not independent. The Blue
2 Ribbon Commission, which recommended developing a consent-based siting process, stated that the
3 process should be independent from the DOE. The current process isn't and may simply be for show.
4 Ms. Katz is also concerned that communities of color are being targeted as potential disposal sites and
5 that the whole idea of consent is not clear. Who gives consent? A town, a community, a county, a
6 state? A scientific approach in selecting a site has been abandoned for political expediency.

7
8 Dr. Petry responded that having DOE managing the Consent-Based Siting process is not ideal, but it is
9 what is currently available to move forward. Establishing an independent agency for the process can
10 occur later in the process. We may not be at a point where it is appropriate to do so (as is currently
11 being done in Canada). It is expected that what will be required for consent will vary for each state and
12 community. Ultimately though, a permanent repository is still needed.

13
14 Deb Stoleroff (Vermont Yankee Decommissioning Alliance) asked whether any previously identified
15 communities for waste disposal facilities were still being considered as hosts under the Consent-Based
16 Siting process. What happens if no communities volunteers?

17
18 Dr. Petry reiterated that DOE is not looking for volunteers yet. She noted that the several current,
19 private spent fuel storage efforts are not part of DOE's siting effort. Communities involved with the
20 private efforts are welcome to respond to DOE's Request for Information. She noted again that DOE
21 hopes to achieve an iterative, flexible, and adaptable siting process, that will be considered successful if
22 communities engage in the process.

23
24 Schuyler Gould (New England Coalition) asked Dr. Bickford whether the Consent-Based Siting website is
25 up and running. She indicated that it is noted at the end of the DOE presentation slides as
26 <https://www.energy.gov/ne/consent-based-siting>.

27
28 In a follow-up, Mr. Gould asked whether DOE would farm out spent fuel storage to private facilities and
29 avoid the Consent-Based siting process. Dr. Bickford indicated that it is unclear whether DOE has the
30 authority to use private facilities. She reiterated that the DOE's process is for siting Federal facilities and
31 not private ones (such as the Holtec and WCS facilities proposed in New Mexico and Texas). Dr. Bickford
32 subsequently noted that DOE does not have a mechanism for shipping spent nuclear fuel to a private
33 storage facility. In a second follow-up, Mr. Gould asked whether the NRC could require consent as part
34 of a storage facility approval effort. Dr. Bickford responded that DOE has no say on what the NRC can
35 do.

36
37 Anne Darling (Citizens Awareness Network): voiced several concerns about the overall facility siting
38 process: the NRC can license a facility without community consent, in which case Consent-Based Siting
39 "goes out the window." She also wants more info on how a siting process would work. Who controls it,
40 DOE, NRC? No one has really looked at whether hardened onsite storage is a more cost-effective,
41 reasonable option compared to shipping spent fuel to an interim facility and then later shipping it to a
42 permanent disposal facility. Lastly, she noted that DOE also needs consent from the communities along
43 the transportation routes for shipments.

To the last point, Dr. Petry noted shipment regulations are not exclusive to DOE. US Department of Transportation and the NRC share authority. Dr. Bickford added that spent fuel transportation has its own consent process. Transportation permits include community approval requirements, as covered by 28 criteria for addressing radioactive waste transportation.

Presentation on “Challenges and Opportunities of Consent-Based Siting”

This discussion begins at 1:02:20 on the meeting video.

Dr. Thomas Webler of the Social & Environment Research Institute outline research that he has conducted over several years regarding the development of Consent-Based Siting processes for spent fuel disposal facilities. Slides for this presentation are available at:

<https://publicservice.vermont.gov/electric/ndcap> in the “Meeting of February 28, 2022” section.

Some of this research was conducted on behalf of the DOE. Developing a Consent-Based Siting process requires identifying commonalities in the various stakeholder opinions. These commonalities become the starting point of meaningful discussion to develop a workable process. Dr. Webler’s investigations have shown that there are 4 general views regarding siting spent fuel storage and disposal facilities:

- a) The “Expedient Yes” view – siting is acceptable when a good science and safety case are available
- b) The “Acceptance to Gain Trust” view – independent oversight is need for the siting to work; this oversight develops from the grass-roots level.
- c) The “Inclusion and Transparency “ view – a facility power share between DOE and the host community is needed. The community needs independent confirmation of DOE-reported status, usually through the community hiring its own experts.
- d) The “Demonstrate Legitimacy” view – DOE must show that it is listening to community feedback on the process. Time must be taken to “do it right.”

Consent processes must include means for reversing consent, when necessary. The consent must not be coercive; there will be times where past promises may need to change. The process must not be overridden by Congressional action. Surrounding communities must be involved, but should not have veto power over the consent. The focus on the process should be to move forward and assuring that the process isn’t hampered by changes in leadership.

Questions and Comments on “Challenges and Opportunities” Presentation

Comments begin at 1:25:00 on the meeting video.

Deb Katz (Citizens Awareness Network) noted that the presentation captures the quandary of consent-based siting. It seems to be a disparate process without trust. The process needs sound science that accurately lays out what can happen.

In response, Dr. Webler noted that there are areas of agreement in how a process should be developed. This agreement is where the process can start. He added that one significant problem that DOE has is that it is loaded with technical experts, but does not have a lot of social science capacity, which will be needed for obtaining stakeholder acceptance.

Several Panelists (Sara Coffey and Emily Davis) individually thanked Dr. Webler for his presentation.

Panel Discussion and Comments on Consent-Based Siting Advisory Opinion

This discussion begins at 1:32:15 on the meeting video.

At the Panel Chair's request, FNWP Committee Chair Lissa Weinmann briefly outlined the draft Advisory Opinion. The draft opinion is available at:

<https://publicservice.vermont.gov/electric/ndcap> in the "Meeting of February 28, 2022" section.

Ms. Weinmann noted that the FNWP Committee had been developing these comments prior to DOE's issuing its Request for Information. Several of DOE's questions covered issues that the Committee had been considering. In finalizing the Advisory Opinion language, the Committee focused on areas where agreement could be reached. Ms. Weinmann asked the other Committee members whether they had anything to add, but no additional comments were made.

The Panel began bringing the Advisory Opinion language to a vote. State Nuclear Engineer Tony Leshinskie noted that he received a one set of comments, from Anne Darling, about the Advisory Opinion language. These comments were read to the Panel:

- "VT NDCAP recommends that development of a consolidated interim storage facility (CISF) should remain directly coupled to establishing a permanent repository as required under the Nuclear Waste Policy Act." This statement says that a permanent repository should be sited before or in tandem with any interim storage facilities. Ms. Darling noted her concurrence.
- "Further, asking a community to consent to act as an 'interim' site in the absence of any progress toward a permanent site will continue to undermine confidence in the DOE 'consent-based siting' process." Ms. Darling noted that this statement does not say why the absence of progress toward a permanent site will undermine confidence in the DOE process. It may be too vague.

After some Panel discussion and additional feedback from Ms. Darling, the Panel agreed to stay with the wording included in the Advisory Opinion draft, since it did capture concerns that were raised.

A motion was made by Lissa Weinmann to approve the Advisory Opinion wording as-is, which was seconded by Sara Coffey. The roll call vote to approve the Advisory Opinion was as follows:

Madeline Arms, Yes
Todd Amato, Yes
Chris Campany, Yes
Sara Coffey, Yes
Corey Daniels, Abstain
Emily Davis, Yes
Brett Long, Not Present for this Vote
David Pearson, Abstain

1 Marvin Resnikoff, Yes
2 Jim Porter, Abstain
3 Lissa Weinmann, Yes
4

5 **The Advisory Opinion was approved by a 7-0 vote with 3 abstentions.**
6

7 Following this vote, Panel briefly discussed what the next steps were. State Nuclear Engineer Tony
8 Leshinskie noted that the Advisory Opinion would be formally filed as comments to the DOE. It would
9 be distributed to the Legislature Committees that receive the Panel's Annual Reports, as well as the
10 Governor's Office. The Advisory Opinion would also be published on the Panel website. Several
11 Panelists requested that a press release announcing the Advisory Opinion also be published. After a
12 brief discussion with Public Service Department leadership to verify the process for doing this, it was
13 agreed that a press release would be issued.
14

15 **Meeting Wrap-Up**

16 *This segment begins at 2:05:45 on the meeting video.*
17

18 The Panel briefly discussed dates for upcoming meetings for the remainder of 2022. Full Panel meetings
19 are set for May 9, September 19, and December 12. The May 9 meeting will focus on NorthStar's
20 Annual Reporting (due March 31) and the State Agencies' assessment of this reporting.
21

22 It was also noted that the FNWP Committee is scheduled to meet on March 28. Tony Leshinskie
23 indicated that he would be in touch with FNWP Committee Chair Lissa Weinmann in the coming weeks
24 to set up the Committee Meeting agenda. Lissa added that while she plans on continuing to work on
25 the Committee, she is looking for someone to take over the Committee Chairmanship.
26

27 **General Public Comments to the Panel**

28

29 Schuyler Gould (New England Coalition): expressed his thanks to the Panel's Federal Nuclear Waste
30 Policy Committee for its rational approach in generating comments in response to the DOE's Request for
31 Information.
32
33

34 **MEETING ADJOURNED AT 8:13 PM.**